

GAHC010145262026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/289/2026

SAURAV PRAN SHARMA
S/O- SURESH CH. SHARMA, R/O- BARPETA ROAD, WARD NO 2,
RAMKRISHNA CENTRE ROAD, PO BARPETA ROAD P.S. BARPETA ROAD,
DISTRICT- BARPETA.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, HOME POLITICAL DEPARTMENT, DISPUR,
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE SECRETARY
TO GOVERNMENT OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI-781006.

4:THE JOINT SECRETARY
TO THE GOVERNMENT OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI78100

Advocate for the Petitioner : IMSENKALA, MS M BORAH,MS. J CHETRY,MS. B
CHOWDHURY,MR A CHOWDHURY, SR. ADV.

Advocate for the Respondent : MR. A ROY, GA, ASSAM,SC, EXCISE DEPTT.

Linked Case : WA/292/2026

SHRI RAKESH DAS
SON OF BHAGABAN DAS
RESIDENT OF HOUSE NO.45
6TH MILE
SASAL MANIMUGDHA NAGAR POST OFFICE- KHANAPARA POLICE
STATION-DISPUR
DISTRICT- KAMRUP METRO
ASSAM
PIN-781022

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
SKILL
EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI PIN-781006.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
SKILL
EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT
DISPUR, GUWAHATI
PIN-781006.

3:THE DIRECTOR
DIRECTORATE OF EMPLOYMENT AND CRAFTSMEN TRAINING
ASSAM
REHABARI
GUWAHATI PIN-781008

Advocate for : MS. L WANGSA
Advocate for : MS. M BHATTACHARJEE appearing for THE STATE OF ASSAM
AND 2 ORS.

Linked Case : WA/285/2026

AKASHEE DUWARAH

D/O- HIRANYA KUMAR DUWARAH
R/O- HOUSE NO. 141
WARD NO. 12
K.B.ROAD
KESHAB CHANDRA GOSWAMI PATH
P.O.- NORTH LAKHIMPUR
P.S.-NORTH LAKHIMPUR
DIST.- LAKHIMPUR
ASSAM-787001.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

2:THE PRINCIPAL SECRETARY
GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
BLOCK -A
JANATA BHAWAN
DISPUR
GUWAHATI-781006.

3:THE COMMISSIONER AND SECRETARY TO GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
BLOCK-A
JANATA BHAWAN
DISPUR
GUWAHATI-781006.

4:THE SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GUWAHATI-781006.

Advocate for : IMSENKALA
Advocate for : MR. A ROY appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WA/194/2026

JAYANTA DOLEY

S/O- LATE LOLISING DOLEY
RESIDENT OF GOGAMUKH TAJIK
PO AND PS- GOGAMUKH
DIST- DHEMAJI

VERSUS

THE STATE OF ASSAM AND 3 ORS.
THROUGH ITS THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
FINANCE TAXATION DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE SECRETARY TO GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006.

4:THE ADDITIONAL SECRETARY TO GOVERNMENT OF ASSAM
FINANCE TAXATION DEPARTMENT
DISPUR
GUWAHATI-781006.

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WA/291/2026

SHRI GITTARTHA BARUAH
SON OF LATE HEM BARUAH
RESIDENT OF BAKUL PATH
GAJAPATI VILA
NEAR NH-37
JALUKBARI

GUWAHATI
POLICE STATION-JALUKBARI
DISTRICT- KAMRUP METRO
ASSAM
PIN-781013

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
SKILL
EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI PIN-781006.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
SKILL
EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI PIN-781006.

3:THE DIRECTOR
DIRECTORATE OF EMPLOYMENT AND CRAFTSMEN TRAINING
ASSAM
REHABARI
GUWAHATI PIN-781008

Advocate for : MS. L WANGSA
Advocate for : MS. M BHATTACHARJEE
ADDL. SR. GA. appearing for THE STATE OF ASSAM AND 2 ORS.

Linked Case : WA/193/2026

PRIYANKA DEKA
W/O BIKASH TALUKDAR
R/O.- BARKURIHA VILLAGE
NEAR GOPINATH MANDIR
MOROWAKAMALPUR ROAD
P.O.- NALBARI
P.S. DISTRICT- NALBARI
ASSAM-781348.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF
ASSAM HOME AND POLITICAL DEPARTMENT DISPUR
GUWAHATI-781006.

2:HE COMMISSIONER AND SECRETARY GOVT OF ASSAM
FINANCE TAXATION DEPARTMENT
DISPUR
GUWAHATI-06

3:THE SECRETARY TO THE GOVT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE ADDITIONAL SECRETARY TO THE GOVT OF ASSAM
FINANCE TAXATION
DISPUR GUWAHATI 781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WA/224/2026

DR KALYAN KUMAR DAS
S/O- BINANDI DAS
R/O- GAROBASTI
BEHIND GANESH MANDIR
8TH MILE
PO-AMERIGOG
PS-BASISTHA
DISTRICT- KAMRUP METRO
ASSAM- 781023.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY. TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE SECRETARY TO GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

Advocate for : MR. A CHOUDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS.

Linked Case : WA/293/2026

HITESH MAZUMDAR
S/O- LATE ANANGA MOHAN MAZUMDAR
R/O- C/O BHAGABANCH.DAS
NO.2 MATHGHARIA
MOTHER TERESA ROAD
NEAR SAI APARTMENT
P.O-NOONMATI
P.S- NOONMATI
ASSAM-781020.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE PRINCIPAL SECRETARY
GOVERNMENT OF ASSAM
PERSONNELA DEPARTMENT
BLOCK -A
JANATABHAWAN
DISPUR
GUWAHATI-781006.

3:THE COMMISSIONER AND SECRETARY TO GOVERNMENT OF ASSAM

PERSONNEL A DEPARTMENT
BLOCK-A
JANATA BHAWAN
DISPUR
GUWAHATI-781006.

4:THE SECRETARY TO TH GOVERNMENT OF ASSAM
PERSONNEL A DEPARTMENT
DISPUR
GUWAHATI-781006.

Advocate for : IMSENKALA
Advocate for : MS. M BHATTACHARJEE
ADDL. SR. GA. appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WA/296/2026

CHAKRADHAR DEKA
S/O- LATE BRAJANATH DEKA
R/O VILL- BANGAON
P.O- BANGAON
P.S-PATHSALA
DISTRICT- BAJALI
ASSAM-781375

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

2:THE ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF ASSAM
CO-OPERATION DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI781006

3:THE PRINCIPAL SECRETARY
TOTHE GOVERNMENT OF ASSAM
COOPERATION DEPARTMENT
ASSAM SECRETARIAT CIVIL

DISPUR
GUWAHATI-781006.

4:THE SECRETARY
TO THEGOVERNMENT OF ASSAM
COOPERATION DEPARTMENT
BLOCK-C
4TH FLOOR
JANATA BHAWAN
DISPUR
GUWAHATI-781006.

Advocate for : IMSENKALA
Advocate for : MS. M BHATTACHARJEE appearing for THE STATE OF ASSAM
AND 3 ORS.

Linked Case : WA/290/2026

ANAL JYOTI DAS
S/O- SRI BINAY KUMAR DAS
VILL- SANTINAGAR
PO-BALADMARI
PS- GOALPARA
DISTRICT- GOALPARA
ASSAM- 783121.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
HOME A POLITICAL DEPARTMENT
DISPUR
GUWAHATI781006.

3:THE SECRETARY TO GOVERNMENT OF ASSA
HOME A POLITICAL DEPARTMENT
DISPUR
GUWAHATI781006.

For the appellant/petitioner(s) : Mr. A. Chowdhury, Sr. Advocate
Ms. B. Choudhury, Sr. Advocate
Ms. M. Borah, Advocate
Ms. J. Chetry, Advocate
Mr. T. Deuri, Advocate

For the Respondent(s) : Mr. N. Kohli, Sr. Advocate
Mr. D. Nath, Sr. GA, Assam

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

18.08.2026

(Ashutosh Kumar, CJ)

All these appeals have been heard together and are being disposed off by this common order.

We have heard Mr. A. Chowdhury, learned senior Advocate; Mr. T. Deuri, learned Advocate for the appellants; Mr. N. Kohli, learned senior Advocate, and Mr. D. Nath, learned senior Government Advocate for the respondents/State of Assam.

These appeals have been preferred by the appellants on being aggrieved with one specific direction given in paragraph 139(xii) of the judgment dated 01.04.2026, passed by a learned Single Judge of this Court in WP(C) No. 1380/2025 and the batch of analogous writ petitions.

By the afore-noted judgment, a batch of writ petitions were disposed off.

The grievance of the appellants lies in a very narrow compass.

While deciding and concluding the case largely in favour of the appellants/writ petitioners, it was recorded that since the appellants/writ petitioners had given up their plea regarding the legality of continuing with the departmental/disciplinary proceedings parallelly to the pending criminal proceedings, perhaps, on the same set of facts, the appellants/writ petitioners would be debarred from raising such contention in the future.

In all these appeals, the challenge is only to the afore-noted aspect, namely, the direction debarring the appellants/writ petitioners, on the ground that it is not only unwarranted but also not in accordance with law and is violative of the fundamental rights of the appellants regarding access to justice.

The learned counsel for the appellants in this set of appeals have argued that the point in question was definitely given up by them during the course of arguments, but it was only for the time being when the matter was being heard, without expecting that such concession for the purposes of those cases would lead to their permanent debarment from taking that plea ever in future.

It has also been argued that such debarment is legally flawed, for, a fundamental right cannot be waived. All that the appellants meant, while conceding the afore-noted plea, was that they were not pressing the same at that time, as, according to them, there was every chance of their succeeding on the other grounds raised in the writ petitions.

However, in our considered view, we find that it would be more appropriate if the appellants approach the learned Single Judge under review jurisdiction for giving a relook at the matter, viz. whether the

concession made at a particular time would justify their complete debarment from raising such plea in future.

Mr. Kohli, learned senior Advocate appearing for the respondent/State has agreed to such a view taken by this Court.

We therefore permit the appellants to withdraw these appeals in order to enable them to prefer review petitions before the learned Single Judge.

Since the matter is urgent, we request the learned Single Judge to take up the matter at the earliest and pass necessary orders.

We order accordingly.

All these appeals stand disposed off as withdrawn, enabling the appellants to prefer respective review petition, in case so deemed necessary.

JUDGE

CHIEF JUSTICE

Comparing Assistant